

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2012 Legislative Session, Legislative Day No. : June 26, 2012

Bill No.: 1219

Expiration Date: August 30, 2012

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY

By the Council: June 26, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order



Susan W. Moran, Secretary

A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY

KEY

- Boldface**..... Heading or defined term
- Underlining..... Added to existing law by original bill
- ~~Strikethrough~~..... Deleted from existing law by original bill
- Double underlining..... Added to bill by amendment
- ~~Double strikethrough~~Deleted from bill by amendment
- * * *Existing law unaffected

Note: this Bill repeals Chapter 60, Talbot County Code, in its entirety and replaces it with an entirely new ordinance, entitled *Talbot County Public Ethics Ordinance*.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 60, Talbot County Code, *Code of Ethics* is hereby repealed and reenacted in its entirety, as set forth in the attachment entitled, *Talbot County Public Ethics Ordinance*, Chapter 60, Talbot County Code, which is incorporated by reference herein.

SECTION TWO: BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____.

BY THE COUNCIL

Read the third time.

ENACTED _____

By Order _____
Susan W. Moran, Secretary

Pack -

Hollis -

Bartlett -

Price -

Duncan -

**TALBOT COUNTY PUBLIC ETHICS ORDINANCE
CODE, CHAPTER 60**

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Appendix B — Model Ethics Law B

Authority: State Government Article, §§15-205,
15-206, and Title 15, Subtitle 8, Annotated Code of
Maryland

CHAPTER 60 – ETHICS PROVISIONS

§ 60-1. Short title

- 1 This chapter may be cited as the Talbot County
2 Public Ethics Ordinance.

§ 60-2. Definitions

- 3 (a) "Candidate" means a candidate for election to
4 the County Council.
- 5 (b) "Commission" means the Talbot County Ethics
6 Commission.
- 7 (c) "County" means Talbot County, Maryland.
- 8 (d) "County Council" or "Council" means the
9 Talbot County Council.

- 10 (e) "Doing business with the County" means being
11 a party to any one or any combination of sales,
12 purchases, leases, or contracts to, from, or with
13 the County, or any agency of the County,
14 involving consideration of \$5,000 or more on a
15 cumulative basis during the calendar year for
16 which a required statement is to be filed.

- 17 (f) "Elected official" means a member of the
18 County Council. It does not include the
19 Sheriff, the State's Attorney, or the Register of
20 Wills.

- 21 (g) "Employee" or "employees" means all full-time
22 County employees.

- 23 (h) "Financial interest" means:

- 24 (1) Ownership of any interest as the result of
25 which the owner has received, within the
26 past 3 years, or is presently receiving, or in
27 the future is entitled to receive, more than
28 \$1,000 per year; or

- 29 (2) Ownership or the ownership of securities
30 of any kind representing or convertible into
31 ownership, of more than 3 percent of a
32 business entity by the official or employee
33 or the official or employee's spouse.

- 34 (i) "Gift" means the transfer of anything of
35 economic value, regardless of the form,
36 without adequate and lawful consideration.
37 "Gift" does not include a political campaign
38 contribution regulated under the Election Law
39 Article, Annotated Code of Maryland, or any
40 other provision of state or local law regulating
41 the conduct of elections or the receipt of
42 political campaign contributions.

- 43 (j) "Interest" means any legal or equitable eco-
44 nomic interest, whether or not subject to an
45 encumbrance or a condition, which was owned
46 or held, in whole or in part, jointly or
47 severally, directly or indirectly. For purposes
48 of financial disclosure under § 60-5 of this
49 chapter "interest" applies to interests held at
50 any time during the calendar year for which a
51 required statement is to be filed. "Interest"
52 does not include:

- 53 (1) An interest held in the capacity of a
54 personal representative, agent, custodian,
55 fiduciary, or trustee, unless the holder has

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56 an equitable interest therein;

57 (2) An interest in a time or demand deposit in
58 a financial institution;

59 (3) An interest in an insurance or endowment
60 policy or annuity contract under which an
61 insurance company promises to pay a fixed
62 number of dollars either in a lump sum or
63 periodically for life or some other specified
64 period; or

65 (4) A common trust fund or a trust which
66 forms part of a pension or profit sharing
67 plan which has more than 25 participants
68 and which has been determined by the
69 Internal Revenue Service to be a qualified
70 trust under sections 401 and 501 of the
71 Internal Revenue Code of 1954.

72 (k) "Nonelected officials" means the county
73 manager, county attorney, county department
74 heads, , the chief code compliance officer, the
75 alcoholic beverages inspector, members of the
76 Electrical Board, members of the Board of
77 Appeals, and members of the Planning
78 Commission.

79 (l) "Official" means both elected officials and
80 nonelected officials.

81 (m) "Qualified Relative" means a spouse, parent,
82 child, or sibling.

§ 60-3. Applicability

83 The provisions of this chapter apply to all elected
84 officials and all nonelected officials and employees
85 as set forth herein.

§ 60-4. Ethics Commission

86 There is a Talbot County Ethics Commission that
87 consists of five (5) members appointed by the
88 County Council.

89 (a) The Commission shall:

- 90 (1) Devise, receive, and maintain all forms
91 required by this chapter;
- 92 (2) Develop procedures and policies for
93 advisory opinion requests and provide
94 published advisory opinions to persons

95 subject to this chapter regarding the
96 applicability of the provisions of this
97 chapter to them;

98 (3) Develop procedures and policies for the
99 processing of complaints to make
100 appropriate determinations regarding
101 complaints filed by any person alleging
102 violations of this chapter; and

103 (4) Conduct a public information program
104 regarding the purposes and application of
105 this chapter.

106 (b) The Commission shall certify to the State
107 Ethics Commission on or before October 1 of
108 each year that the County is in compliance
109 with the requirements of State Government
110 Article, Title 15, Subtitle 8, Annotated Code of
111 Maryland, for elected local officials.

112 (c) The Commission shall have advisory authority
113 to recommend changes to this chapter
114 consistent with the requirements of State
115 Government Article, Title 15, Subtitle 8,
116 Annotated Code of Maryland, and to forward
117 any recommended changes to the County
118 Council for consideration.

119 (d) The Commission may adopt policies and
120 procedures to implement the Commission's
121 programs established in this chapter.

122 (e) Commission members shall serve three-year
123 terms staggered so that no more than two
124 terms expire in any single calendar year.
125 Members shall be residents of the County.
126 Vacancies occurring prior to expiration of the
127 term shall be filled in the same manner as an
128 original appointment for the unexpired term.
129 The Commission shall annually elect a
130 Chairman and vice-chairman from its
131 membership, and shall adopt rules of
132 procedure not inconsistent with the terms of
133 this Chapter to govern its meetings. The
134 presence of three members shall constitute a
135 quorum, and the affirmative vote of a majority
136 of the members present at any meeting shall be
137 sufficient for transaction of any business.
138 Members of the Commission shall receive no
139 compensation for their services.

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§ 60-5. Conflicts of interest, elected officials

140 This section applies to elected officials.

141 (a) Participation prohibitions. Except as permitted
 142 by Commission regulation or opinion, an
 143 elected official may not participate in:

144 (1) Any matter in which, to the knowledge of
 145 the elected official, the elected official or
 146 a qualified relative of the elected official
 147 has an interest.

148 (2) Any matter in which any of the following
 149 is a party:

150 (A) A business entity in which the elected
 151 official has a direct financial interest of
 152 which the elected official may
 153 reasonably be expected to know;

154 (B) A business entity for which the elected
 155 official, or a qualified relative of
 156 elected official is an officer, director,
 157 trustee, partner, or employee;

158 (C) A business entity with which the
 159 elected official or, to the knowledge of
 160 the elected official, a qualified relative
 161 is negotiating employment or has any
 162 arrangement concerning prospective
 163 employment.

164 (D) If the contract reasonably could be
 165 expected to result in a conflict between
 166 the private interests of the elected
 167 official and the official duties of the
 168 elected official, a business entity that is
 169 a party to an existing contract with the
 170 elected official, or which, to the
 171 knowledge of the elected official, is a
 172 party to a contract with a qualified
 173 relative;

174 (E) An entity, doing business with the
 175 County, in which a direct financial
 176 interest is owned by another entity in
 177 which the elected official has a direct
 178 financial interest, if the elected official
 179 may be reasonably expected to know of
 180 both direct financial interests; or

181 (F) A business entity that:

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(i) The elected official knows is a creditor or obligee of the elected official or a qualified relative of the elected official with respect to a thing of economic value; and

(ii) As a creditor or obligee, is in a position to directly and substantially affect the interest of the elected official or a qualified relative of the elected official.

(3) An elected official who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(A) The disqualification leaves a body with less than a quorum capable of acting; or,

(B) The disqualified elected official is required by law to act; or

(C) The disqualified elected official is the only person authorized to act.

(4) The prohibitions of paragraph (1) and (2) of this subsection do not apply to the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter.

§ 60-6. Conflict of interest, nonelected officials and employees

210 This section applies to nonelected officials and
 211 employees.

212 (a) Participation prohibitions. Except as permitted
 213 by Commission regulation or opinion, a
 214 nonelected official or employee may not
 215 participate in a County matter that would have
 216 a direct and economic impact, distinct from the
 217 impact on the public at large, on the
 218 nonelected official or employee or that, to the
 219 knowledge of the nonelected official or
 220 employee, would have a direct economic
 221 impact on:

(1) A spouse, parent, sibling, or child of the nonelected official or employee; or

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224 (2) A business entity with which any of the
225 following is affiliated:

226 (A) The nonelected official or employee; or

227 (B) A spouse, parent, sibling, or child of
228 the nonelected official or employee.

229 (b) The Commission may:

230 (1) Grant exceptions to the participation
231 restrictions in this section where no conflict
232 of interest exists or when the interest is too
233 remote and insubstantial to affect the
234 integrity of the public actions of the
235 nonelected official or employee; and,

236 (2) Authorize participation notwithstanding a
237 conflict when the disqualification would
238 leave a body with less than a quorum
239 capable of acting, the disqualified
240 nonelected official or employee is required
241 by law to act, or the disqualified
242 nonelected official or employee is the only
243 individual authorized to act.

**§ 60-7. Employment and financial interest
restrictions**

244 Except as permitted by regulation of the
245 Commission when the interest is disclosed or when
246 the employment does not create a conflict of
247 interest or appearance of conflict, an official or
248 employee may not be employed by or have a
249 financial interest in any entity:

250 (a) Subject to the authority of the official or
251 employee or the County agency, board,
252 commission with which the official or
253 employee is affiliated; or

254 (b) That is negotiating or has entered a contract
255 with the agency, board, or commission with
256 which the official or employee is affiliated; or

257 (c) Hold any other employment relationship that
258 would impair the impartiality or independence
259 of judgment of the official or employee.

260 (d) This prohibition does not apply to:

261 (1) An official or employee who is appointed
262 to a regulatory or licensing authority pur-
263 suant to a statutory requirement that

264 persons subject to the jurisdiction of the
265 authority be represented in appointments
266 to the authority;

267 (2) Subject to other provisions of law, a
268 member of a board or commission with
269 regard to a financial interest or employ-
270 ment held at the time of appointment,
271 provided the financial interest or employ-
272 ment is publicly disclosed to the appointing
273 authority and the Commission;

274 (3) An official or employee whose duties are
275 ministerial, if the private employment or
276 financial interest does not create a conflict
277 of interest or the appearance of a conflict
278 of interest, as permitted by and in
279 accordance with regulations adopted by the
280 Commission; or,

281 (4) Employment or financial interests allowed
282 by regulation of the Commission if the
283 employment does not create a conflict of
284 interest or the appearance of a conflict of
285 interest or the financial interest is
286 disclosed.

**§ 60-8. Post-employment limitations and re-
strictions**

287 (a) A former official or employee may not assist or
288 represent any party other than the County for
289 compensation in a case, contract, or other
290 specific matter involving the County if that
291 matter is one in which the former official or
292 employee significantly participated as an
293 official or employee.

294 (b) Until the conclusion of the next regular session
295 that begins after the elected official leaves
296 office, a former member of the County
297 Council may not assist or represent another
298 party for compensation in a matter that is the
299 subject of legislative action.

300 (c) Contingent compensation. Except in a judicial
301 or quasi-judicial proceeding, an official or
302 employee may not assist or represent a party
303 for contingent compensation in any matter
304 before or involving the County.

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§ 60-9. Use of prestige of office	344	(2) Ceremonial gifts or awards that have insignificant monetary value;
305 (a) An official or employee may not intentionally 306 use the prestige of office or public position for 307 the private gain of that official or employee or 308 the private gain of another.	345 346 347 348	(3) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
309 (b) This subsection does not prohibit the perfor- 310 mance of usual and customary constituent 311 services by an elected official without 312 additional compensation.	349 350 351 352	(4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
§ 60-10. Solicitation and acceptance of gifts	353 354 355	
313 (a) An official or employee may not solicit any 314 gift.	356 357	(5) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
315 (b) An official or employee may not directly 316 solicit or facilitate the solicitation of a gift, on 317 behalf of another person, from an individual 318 regulated lobbyist.	358 359 360 361	
319 (c) An official or employee may not knowingly 320 accept a gift, directly or indirectly, from a 321 person that the official or employee knows or 322 has the reason to know:	362 363 364 365	(6) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;
323 (1) Is doing business with or seeking to do 324 business with the County office, agency, 325 board, or commission with which the 326 official or employee is affiliated;	366 367 368 369	
327 (2) Has financial interests that may be 328 substantially and materially affected, in a 329 manner distinguishable from the public 330 generally, by the performance or nonper- 331 formance of the official duties of the 332 official or employee;	370 371 372 373 374 375 376	(7) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
333 (3) Is engaged in an activity regulated or 334 controlled by the official's or employee's 335 department, board, or commission; or	377 378	(8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
336 (4) Is a lobbyist with respect to matters within 337 the jurisdiction of the official or employee.	379 380	(e) Paragraph (d) of this subsection does not apply to a gift:
338 (d) Notwithstanding paragraphs (c) (1) through (4) 339 of this subsection, an official or employee may 340 accept the following:	381 382 383	(1) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
341 (1) Meals and beverages consumed in the 342 presence of the donor or sponsoring 343 entity;	384 385 386 387	(2) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

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388 (3) Of significant value that the recipient
389 official or employee believes or has reason
390 to believe is designed to impair the
391 impartiality and independence of judgment
392 of the official or employee.

§ 60-11. Disclosure of confidential information

393 Other than in the discharge of official duties, an
394 official or employee may not disclose or use
395 confidential information that the official or
396 employee acquired by reason of the official's or
397 employee's public position and that is not available
398 to the public, for the economic benefit of the
399 official or employee or that of another person.

§ 60-12. Participation in procurement

400 (a) An individual or a person that employs an
401 individual who assists a County agency in the
402 drafting of specifications, an invitation for
403 bids, or a request for proposals for a procure-
404 ment may not submit a bid or proposal for that
405 procurement or assist or represent another
406 person, directly or indirectly, who is submit-
407 ting a bid or proposal for the procurement.

408 (b) The Commission may establish exemptions
409 from the requirements of this section for
410 providing descriptive literature, sole source
411 procurements, and written comments solicited
412 by the procuring agency.

413 **§ 60-5. Financial disclosure – elected officials**
414 **and candidates**

415 This section applies to elected officials and
416 candidates.

417 (a) Except as provided in subsection (b) of this
418 section, elected officials and candidates shall
419 file a financial disclosure statement required
420 under this section:

421 (1) On a form provided by the Commission;

422 (2) Under oath or affirmation; and

423 (3) With the Commission.

424 (b) Deadlines for filing statements

425 (1) An incumbent elected official shall file a
426 financial disclosure statement annually no

427 later than April 30 of each year for the
428 preceding calendar year.

429 (2) An individual who is appointed to fill a
430 vacancy in an office for which a financial
431 disclosure statement is required and who
432 has not already filed a financial disclosure
433 statement shall file a statement for the
434 preceding calendar year within 30 days
435 after appointment.

436 (3) An individual who, other than by reason of
437 death, leaves an office for which a
438 statement is required shall file a statement
439 within 60 days after leaving the office.

440 (c) The statement shall cover:

441 (1) The calendar year immediately preceding
442 the year in which the individual left
443 office, unless a statement covering that
444 year has already been filed by the
445 individual; and

446 (2) The portion of the current calendar year
447 during which the individual held the office.

448 (d) Candidates

449 (1) Except for an elected official who has
450 filed a financial disclosure statement
451 under another provision of this section for
452 the reporting period, a candidate shall file
453 a financial disclosure statement each year
454 beginning with the year in which the
455 certificate of candidacy is filed through
456 the year of the election.

457 (2) Candidates shall file a statement required
458 under this section:

459 (A) In the year the certificate of candidacy
460 is filed, no later than the filing of the
461 certificate of candidacy;

462 (B) In the year of the election, on or before
463 the earlier of April 30 or the last day
464 for the withdrawal of candidacy; and

465 (C) In all other years for which a statement
466 is required, on or before April 30.

467 (3) A candidate:

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468	(A) May file the statement required under §	512	disclosure statement was examined or
469	60-5(d)(2)(A) of this chapter with the	513	copied.
470	Board of Election Supervisors with the		
471	certificate of candidacy or with the	514	(4) Upon request by the official or employee
472	Commission prior to filing the certif-	515	whose financial disclosure statement was
473	icate of candidacy; and	516	examined or copied, the Commission or
		517	the office designated by the Commission
474	(B) Shall file the statements required under	518	shall provide the official with a copy of the
475	§ 60-5(d)(2)(B) and (C) with the Com-	519	name and home address of the person who
476	mission.	520	reviewed the official's financial disclosure
		521	statement.
477	(4) If a candidate fails to file a statement		
478	required by this section after written notice	522	(f) Retention requirements. The Commission or the
479	is provided by the Board of Election	523	office designated by the Commission shall
480	Supervisors at least 20 days before the last	524	retain financial disclosure statements for four
481	day for the withdrawal of candidacy, the	525	years from the date of receipt.
482	candidate is deemed to have withdrawn the		
483	candidacy.	526	(g) Contents of statement
484	(5) The Board of Election Supervisors may not	527	(1) Interests in real property
485	accept any certificate of candidacy unless a		
486	statement has been filed in proper form.	528	(A) A statement filed under this section
		529	shall include a schedule of all interests
487	(6) Within 30 days of the receipt of a	530	in real property wherever located.
488	statement required under this section, the		
489	Board of Election Supervisors shall	531	(B) For each interest in real property, the
490	forward the statement to the Commission	532	schedule shall include:
491	or the office designated by the Com-		
492	mission.	533	(i) The nature of the property and the
		534	location by street address, mailing
493	(e) Public record	535	address, or legal description of the
		536	property;
494	(1) The Commission or office designated by		
495	the Commission shall maintain all finan-	537	(ii) The nature and extent of the
496	cial disclosure statements filed under this	538	interest held, including any
497	section.	539	conditions and encumbrances on
		540	the interest;
498	(2) Financial disclosure statements shall be		
499	made available during normal office hours	541	(iii) The date when, the manner in
500	for examination and copying by the public	542	which, and the identity of the
501	subject to reasonable fees and administra-	543	person from whom the interest was
502	tive procedures established by the Com-	544	acquired;
503	mission.		
		545	(iv) The nature and amount of the
504	(3) If an individual examines or copies a	546	consideration given in exchange for
505	financial disclosure statement, the	547	the interest or, if acquired other
506	Commission or the office designated by the	548	than by purchase, the fair market
507	Commission shall record:	549	value of the interest at the time
		550	acquired;
508	(A) The name and home address of the		
509	individual reviewing or copying the	551	(v) If any interest was transferred, in
510	statement; and	552	whole or in part, at any time during
		553	the reporting period, a description
511	(B) The name of the person whose financial	554	of the interest transferred, the

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555	nature and amount of the	601	other than by purchase, the fair
556	consideration received for the	602	market value of the interest at the
557	interest, and the identity of the	603	time acquired.
558	person to whom the interest was		
559	transferred; and	604	(ii) An individual may satisfy the
		605	requirement to report the amount of
560	(vi) The identity of any other person	606	the interest held under item § 60-5 (g)
561	with an interest in the property.	607	(2) of this paragraph by report-ing,
		608	instead of a dollar amount:
562	(2) Interests in corporations and partnerships		
		609	a. For an equity interest in a
563	(A) A statement filed under this section	610	corporation, the number of shares
564	shall include a schedule of all interests	611	held and, unless the corporation's
565	in any corporation, partnership, limited	612	stock is publicly traded, the
566	liability partnership, or limited liability	613	percentage of equity interest held;
567	corporation, regardless of whether the	614	or
568	corporation or partnership does		
569	business with the County.	615	b. For an equity interest in a
		616	partnership, the percentage of
570	(i) For each interest reported under	617	equity interest held.
571	this paragraph, the schedule shall		
572	include:	618	(3) Interests in business entities doing business
		619	with the County
573	a. The name and address of the		
574	principal office of the	620	(A) A statement filed under this section
575	corporation, partnership, limited	621	shall include a schedule of all interests
576	liability partnership, or limited	622	in any business entity that does
577	liability corporation;	623	business with the County, other than
		624	interests reported under § 60-5 (g) (2)
578	b. The nature and amount of the	625	of this subsection.
579	interest held, including any		
580	conditions and encumbrances on	626	(B) For each interest reported under this
581	the interest;	627	paragraph, the schedule shall include:
582	c. With respect to any interest	628	(i) The name and address of the
583	transferred, in whole or in part, at	629	principal office of the business
584	any time during the reporting	630	entity;
585	period, a description of the		
586	interest transferred, the nature	631	(ii) The nature and amount of the
587	and amount of the consideration	632	interest held, including any condi-
588	received for the interest, and, if	633	tions to and encumbrances in the
589	known, the identity of the person	634	interest;
590	to whom the interest was		
591	transferred; and	635	(iii) With respect to any interest
		636	transferred, in whole or in part, at
592	d. With respect to any interest	637	any time during the reporting
593	acquired during the reporting	638	period, a description of the interest
594	period: (1) The date when, the	639	transferred, the nature and amount
595	manner in which, and the identity	640	of the consideration received in
596	of the person from whom the	641	exchange for the interest, and, if
597	interest was acquired; and, (2)	642	known, the identity of the person to
598	The nature and the amount of the	643	whom the interest was transferred;
599	consideration given in exchange	644	and
600	for the interest or, if acquired		

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645	(iv) With respect to any interest ac-	688	entity;
646	quired during the reporting period:		
647	a. The date when, the manner in	689	(ii) The title and nature of the office,
648	which, and the identity of the	690	directorship, or salaried employ-
649	person from whom the interest	691	ment held and the date it com-
650	was acquired; and,	692	menced; and
651	b. The nature and the amount of the	693	(iii) The name of each County agency
652	consideration given in ex-	694	with which the entity is involved.
653	change for the interest or, if	695	(6) Indebtedness to entities doing business
654	acquired other than by purchase,	696	with the County,
655	the fair market value of the		
656	interest at the time acquired.	697	(A) A statement filed under this section
657	(4) Gifts	698	shall include a schedule of all
658	(A) A statement filed under this section	699	liabilities, excluding retail credit ac-
659	shall include a schedule of each gift in	700	counts, to persons doing business with
660	excess of \$20 in value or a series of	701	the County owed at any time during the
661	gifts totaling \$100 or more received	702	reporting period:
662	during the reporting period from or on	703	(i) By the individual; or
663	behalf of, directly or indirectly, any one	704	(ii) By a member of the immediate
664	person who does business with or is	705	family of the individual if the
665	regulated by the County.	706	individual was involved in the
666	(B) For each gift reported, the schedule	707	transaction giving rise to the
667	shall include:	708	liability.
668	(i) A description of the nature and	709	(B) For each liability reported under this
669	value of the gift; and	710	paragraph, the schedule shall include:
670	(ii) The identity of the person from	711	(i) The identity of the person to whom
671	whom, or on behalf of whom,	712	the liability was owed and the date
672	directly or indirectly, the gift was	713	the liability was incurred;
673	received.	714	(ii) The amount of the liability owed as
674	(5) Employment with or interests in entities	715	of the end of the reporting period;
675	doing business with the County	716	(iii) The terms of payment of the
676	(A) A statement filed under this section	717	liability and the extent to which the
677	shall include a schedule of all offices,	718	principal amount of the liability
678	directorships, and salaried employment	719	was increased or reduced during
679	by the individual or member of the	720	the year; and
680	immediate family of the individual held	721	(iv) The security given, if any, for the
681	at any time during the reporting period	722	liability.
682	with entities doing business with the		
683	County.	723	(7) A statement filed under this section shall
684	(B) For each position reported under this	724	include a schedule of the immediate family
685	paragraph, the schedule shall include:	725	members of the elected official and
686	(i) The name and address of the	726	candidate who are employed by the County
687	principal office of the business	727	in any capacity at any time during the
		728	reporting period.

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729 (8) Sources of earned income.

730 (A) A statement filed under this section
731 shall include a schedule of the name
732 and address of each place of employ-
733 ment and of each business entity of
734 which the individual or a member of
735 the individual's immediate family was
736 a sole or partial owner and from which
737 the individual or member of the indi-
738 vidual's immediate family received
739 earned income, at any time during the
740 reporting period.

741 (B) A minor child's employment or busi-
742 ness ownership need not be disclosed if
743 the County does not regulate, exercise
744 authority over, or contract with the
745 place of employment or business entity
746 of the minor child.

747 (9) A statement filed under this section may
748 also include a schedule of additional
749 interests or information that the individual
750 making the statement wishes to disclose.

751 (h) For the purposes of § 60-5(g) (1), (2), and (3)
752 of this chapter, the following interests are
753 considered to be the interests of the individual
754 making the statement:

755 (1) An interest held by a member of the
756 individual's immediate family, if the
757 interest was, at any time during the
758 reporting period, directly or indirectly
759 controlled by the individual.

760 (2) An interest held by a business entity in
761 which the individual held a 30% or greater
762 interest at any time during the reporting
763 period.

764 (3) An interest held by a trust or an estate in
765 which, at any time during the reporting
766 period:

767 (A) The individual held a reversionary
768 interest or was a beneficiary; or

769 (B) If a revocable trust, the individual was
770 a settlor.

771 (i) Commission review and enforcement

772 (1) The Commission shall review the
773 financial disclosure statements submitted
774 under this section for compliance with the
775 provisions of this section and shall notify
776 an individual submitting the statement of
777 any omissions or deficiencies.

778 (2) The Commission may take appropriate
779 enforcement action to ensure compliance
780 with this section.

**§ 60-13. Financial disclosure – nonelected
officials and employees**

781 This section applies to nonelected officials and
782 employees who, acting alone or as members of a
783 board or commission, have decision-making
784 authority or act as principal advisors to a person,
785 board, or commission with that authority in making
786 County policy or exercising quasi-judicial,
787 regulatory, licensing, inspecting, or auditing
788 functions. This section applies to the county
789 manager, county attorney, all department heads, the
790 chief code compliance officer, the liquor inspector,
791 members of the Electrical Board, members of the
792 Planning Commission, and members of the Board
793 of Appeals.

794 (a) A statement filed under this section shall be
795 filed with the Commission under oath or
796 affirmation.

797 (b) On or before April 30 of each year during
798 which a nonelected official or employee holds
799 office, the nonelected official or employee
800 shall file a statement disclosing gifts received
801 during the preceding calendar year from any
802 person that contracts with or is regulated by
803 the County, including the name of the donor of
804 the gift and the approximate retail value at the
805 time or receipt.

806 (c) An official or employee shall disclose
807 employment and interests that raise conflicts
808 of interest or potential conflicts of interest in
809 connection with a specific proposed action by
810 the employee or official sufficiently in
811 advance of the action to provide adequate
812 disclosure to the public.

813 (d) The Commission shall maintain all disclosure
814 statements filed under this section as public
815 records available for public inspection and

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816 copying as provided in § 60-5(e) and (f) of this
817 chapter.

§ 60-14. Lobbying

818 (a) A person shall file a lobbying registration
819 statement with the Commission if the person:

820 (1) Personally appears before a County
821 official or employee with the intent to
822 influence that person in performance of
823 the official duties of the official or
824 employee; and

825 (2) In connection with the intent to influence,
826 expends or reasonably expects to expend in
827 a given calendar year in excess of \$250 on
828 food, entertainment, or other gifts for
829 officials or employees of the County.

830 (b) A person shall file a registration statement
831 required under this section on or before the
832 later of January 15 of the calendar year or
833 within 5 days after first performing an act that
834 requires registration in the calendar year.

835 (c) Contents

836 (1) The registration statement shall identify:

837 (A) The registrant;

838 (B) Any other person on whose behalf the
839 registrant acts; and

840 (C) The subject matter on which the
841 registrant proposes to make
842 appearances specified in subsection (a)
843 of this section.

844 (2) The registration statement shall cover a
845 defined registration period not to exceed
846 one calendar year.

847 (d) Within 30 days after the end of any calendar
848 year during which a person was registered
849 under this section, the person shall file a report
850 with the Commission disclosing:

851 (1) The value, date, and nature of any food,
852 entertainment, or other gift provided to a
853 County, official or employee; and

854 (2) If a gift or series of gifts to a single official

855 or employee exceeds \$50.00 in value, the
856 identity of the official or employee.

857 (e) The Commission shall maintain the
858 registrations and reports filed under this
859 section as public records available for public
860 inspection and copying for four years after
861 receipt by the Commission.

§ 60-15. Exemptions and modifications

862 The Commission may grant exemptions and
863 modifications to the provisions of § 60-6 and § 60-
864 13 of this chapter to nonelected officials and
865 employees, when the Commission finds that an
866 exemption or modification would not be contrary
867 to the purposes of this chapter, and the application
868 of this chapter would:

869 (a) Constitute an unreasonable invasion of privacy;
870 and

871 (b) Significantly reduce the availability of qualified
872 persons for public service.

§ 60-16. Enforcement

873 (a) The Commission may:

874 (1) Assess a late fee of \$2 per day up to a
875 maximum of \$250 for a failure to timely
876 file a financial disclosure statement
877 required under §60-6 or §60-7 of this
878 chapter;

879 (2) Assess a late fee of \$10 per day up to a
880 maximum of \$250 for a failure to file a
881 timely lobbyist registration or lobbyist
882 report required under § 60-8 of this
883 chapter; and

884 (3) Issue a cease and desist order against any
885 person found to be in violation of this
886 chapter.

887 (b) Upon a finding of a violation of any provision
888 of this chapter, the Commission may:

889 (1) Issue an order of compliance directing the
890 respondent to cease and desist from the
891 violation;

892 (2) Issue a reprimand; or

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893 (3) Recommend to the appropriate authority
894 other appropriate discipline of the
895 respondent, including censure or removal if
896 that discipline is authorized by law.

897 (c) If the Commission finds that a respondent has
898 violated § 60-14 of this chapter, the
899 Commission may:

900 (1) Require a respondent who is a registered
901 lobbyist to file any additional reports or
902 information that reasonably relates to the
903 information that is required under § 60-8
904 of this chapter;

905 (2) Impose a fine not exceeding \$5,000 for
906 each violation; and

907 (3) Suspend the registration of an individual
908 registered lobbyist if the Commission finds
909 that the lobbyist has knowingly and
910 willfully violated § 60-7 of this chapter or
911 has been convicted of a criminal offense
912 arising from lobbying activities.

913 (c) Circuit Court action.

914 (1) Upon request of by the Commission, the
915 County Attorney may file a petition for
916 injunctive or other relief in the circuit
917 court of Talbot County, or in any other
918 court having proper venue for the purpose
919 of requiring compliance with the
920 provisions of this chapter.

921 (2) The court may:

922 (A) Issue an order to cease and desist from
923 the violation;

924 (B) Except as provided in subparagraph
925 (B) (ii) of this paragraph:

926 (i) Void an official action taken by an
927 official or employee with a conflict
928 of interest prohibited by this chapter
929 when the action arises from or
930 concerns the subject matter of the
931 conflict and if the legal action is
932 brought within 90 days of the
933 occurrence of the official action, if
934 the court deems voiding the action to
935 be in the best interest of the public;
936 or

937 (ii) Notwithstanding subparagraph (B) (i), a
938 court may not void any official action
939 appropriating public funds, levying
940 taxes, or providing for the issuance of
941 bonds, notes, or other evidences of
942 public obligations.

943 (C) Impose a fine of up to \$5,000 for any
944 violation of the provisions of this chapter,
945 with each day upon which the violation
946 occurs constituting a separate offense.

947 (d) In addition to any other enforcement provisions
948 in this chapter, a person who the Commission
949 or a court finds has violated this chapter:

950 (1) Is subject to termination or other
951 disciplinary action; and

952 (2) May be suspended from receiving payment
953 of salary or other compensation pending
954 full compliance with the terms of an order
955 of the Commission or a court.

956 (e) A County official or employee found to have
957 violated this chapter is subject to disciplinary
958 or other appropriate personnel action,
959 including removal from office, disciplinary
960 action, suspension of salary, or other sanction.

961 (f) Violation of § 60-14 of this chapter shall be a
962 misdemeanor subject to a fine of up to \$10,000
963 or imprisonment of up to one year.

964 (g) A finding of a violation of this chapter by the
965 Commission is public information.

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